

**2005 DRAFTING REQUEST**

**Bill**

Received: **10/18/2005**

Received By: **mdsida**

Wanted: **As time permits**

Identical to LRB:

For: **Thomas Reynolds (608) 266-2512**

By/Representing: **Patrick**

This file may be shown to any legislator: **NO**

Drafter: **rryan**

May Contact:

Addl. Drafters:

Subject: **Criminal Law - sex offenses**

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Reynolds@legis.state.wi.us**

Carbon copy (CC:) to: **cathlene.hanaman@legis.state.wi.us**  
**michael.dsida@legis.state.wi.us**

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Require DNA samples for conviction of certain misdemeanors

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**Instructions:**

require DNA samples (similar to the requirments for convicted felons under sec. 973.047(1f)) from persons convicted under sec. 940.225(3m) (fourth degree sexual assault) or sec. 948.10 (exposing genitals or pubic area to a child)

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mdsida 10/26/2005			_____			S&L
/1	rryan 11/09/2005	jdye 11/18/2005	rschluet 11/18/2005	_____	lnorthro 11/18/2005	lemery 02/03/2006	

FE Sent For:

↳ At  
Intro.

<END>

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/?	mdsida 10/26/2005 rryan	11/18 jld	11/18				S&L

FE Sent For:

## STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

11/9/05

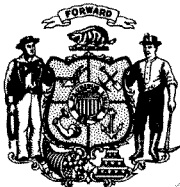
LRB-3878

Call to Patrick

Should <sup>mandatory</sup> sampling requirement apply to  
juvies adjudicated delinquent  
for violation of 4th or 5th or Exposing?

No - OK to leave to discretion of  
judge





State of Wisconsin  
2005 - 2006 LEGISLATURE

LRB-3878/2

RLR:.....

jld

In 11/9/05

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

RMR

note

Gen Cat.

1

AN ACT...; relating to: deoxyribonucleic acid testing of criminals. ✓

*Analysis by the Legislative Reference Bureau*

Under current law, any person who is sentenced or placed on probation for conviction of a felony (a crime for which a person may be sentenced to prison) must provide a biological specimen to the state crime laboratories for deoxyribonucleic acid (DNA) analysis. The crime laboratories must analyze the DNA in such specimens and store DNA profiles from the specimens in the crime laboratories' DNA data bank. The crime laboratories may compare DNA samples from a variety of sources to the DNA profiles in the data bank and may provide information from such comparisons to law enforcement agencies for criminal investigations. If a person provides proof that a court has reversed, set aside, or vacated the conviction for which the person was required to provide a biological specimen, the crime laboratories must expunge from the data bank any information concerning the person and destroy any remaining biological specimen from the person.

This bill requires that any person who is sentenced or placed on probation for conviction of a fourth-degree sexual assault or the crime of exposing oneself to a child or causing a child to expose him<sup>self</sup> or herself must provide a biological specimen to the crime laboratories. The bill requires the crime laboratories to analyze the specimens and store DNA profiles from the specimens in the DNA data bank. Δ

For further information see the **state and local** fiscal estimate, which will be printed as an appendix to this bill.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**SECTION 1.** 973.047 (1f) of the statutes is amended to read:

973.047 (1f) If a court imposes a sentence or places a person on probation for a felony conviction or for a conviction for a violation of s. 940.225 (3m) or 948.10, the court shall require the person to provide a biological specimen to the state crime laboratories for deoxyribonucleic acid analysis.

**History:** 1993 a. 16, 98, 227; 1995 a. 440; 1999 a. 9.

## SECTION 2. Initial applicability.

(1) This act first applies to convictions entered on the effective date of this subsection. ✓

**SECTION 3. Effective date.**

(1) This act takes effect on the first day of the 2nd month beginning after publication.

**(END)**

D-note



**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-3878/1dn

RLR:.....

Jld

Patrick:

✓  
The bill applies the new DNA sampling requirement to people who are convicted on or after the effective date of the bill, so the bill will not require people who have already been convicted to provide specimens. I delayed the effective date of the bill by one month to allow time for courts to learn of the new specimen collection requirement imposed by the bill.

Robin Ryan  
Legislative Attorney  
Phone: (608) 261-6927  
E-mail: robin.ryan@legis.state.wi.us

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-3878/1dn  
RLR:jld:rs

November 18, 2005

Patrick:

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Robin Ryan  
Legislative Attorney  
Phone: (608) 261-6927  
E-mail: robin.ryan@legis.state.wi.us

**Northrop, Lori**

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**From:** Henneger, Patrick  
**Sent:** Tuesday, December 20, 2005 3:28 PM  
**To:** LRB.Legal  
**Subject:** Senator Reynolds request for another pdf copy of LRB 3878

We can't seem to locate the original copy. Thanks

Patrick Henneger  
Office of Senator Reynolds

*e-mailed  
copy*

**Emery, Lynn**

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**From:** Henneger, Patrick  
**Sent:** Friday, February 03, 2006 12:25 PM  
**To:** LRB.Legal  
**Subject:** Bill Jackets for LRB 2110/2, LRB 3424/1 and LRB 3878/1

Hello:

Senator Reynolds requests that LRB 2110/2, LRB 3424/1 and LRB 3878/1 be jacketed for introduction. Please let me know if you have any questions.

Thanks,

Patrick Henneger  
Office of Senator Reynolds